

From: Paul A. Orphanos
To: Microsoft ATR
Date: 12/9/01 10:39pm
Subject: Microsoft Settlement

December 9, 2001

As a United States Citizen, I am exercising my right under the Tunney Act to comment on the proposed DoJ vs. Microsoft settlement.

I am a user of an operating system other than Windows for over 10 years for science and engineering applications and have first hand experience as to the barriers Microsoft places on business that HAVE NOT been addressed by the proposed settlement.

The biggest barrier to competition is the fact that Microsoft is the standard for many applications commonly used in business (word processing, spreadsheets, databases, etc.). They abuse this standard by making the data format used by these programs proprietary, and tying it to other Microsoft products (databases, operating systems, etc.).

I have lost ownership of my intellectual property because it is only through the use of Microsoft products that I can access my data. Microsoft further abuses their position by tying access to my data to the Windows platform since their programs only run on Windows (typically).

It is common sense that a company would be more profitable by writing their software to work on as many operating systems as possible. Microsoft, however, has an inherent conflict of interest due to the fact that they want to maximize their overall sales by ensuring that full functionality is only available on Windows.

Therefore, no end-user or company is in any position to even CONSIDER the use of a competing application suites (commercial or non-profit/opensource) or competing operating system. Microsoft's monopoly is unbreakable unless the file formats for their de-facto standard applications are published and freely available.

Microsoft has benefited from competition in the Personal Digital Assistant market competing with Palm Inc., financial management software (vs. Quicken) and now video game consoles with its Xbox (vs. Playstation, Gamecube, etc.). These are legitimately superior products, although MS Money and the PocketPC are completely tied to Windows.

By mandating that Microsoft publicize the formats for their data, not only will better applications result (for example, I could use the word processor with the best user interface), consumers will be able to truly use whatever application and operating system best suits the users need,

as opposed to being forced to use Microsoft's offerings because business communications requires it. Currently, this has cost my employer by having to purchase an extra computer on which to utilize these tools.

As a consumer (and/or business), I should be able to choose the word processor, spreadsheet, etc. that I want to use without sacrificing functionality and compatibility with Microsoft's "standard" products.

Sincerely,
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